HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No… 5344 of 2001 (S/S)
Old No. 4903 of 1998

Balwant Singh Bisht
vs.
The Managing Director, Jal Nigam
& others.

Approved for reporting.

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~~Not approved for reporting~~

Date of decision 22.4.2004.

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 5344 of 2001 (SS)
Old No. 4903 of 1998

Balwant Singh Bisht ……. Petitioner

Versus

The Managing Director, Jal Nigam & others …… Respondents

Sri Shekhar Mamgain, Advocate for the petitioner
Sri R. Thapliyal, Advocate for the respondents.

Dated: 22.4.2004

Hon'ble Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for the issue of a writ in the nature of mandamus directing the respondents not to give effect to the orders dated 8.2.1992 and 16.7.1993 passed by the respondent no.4.

Briefly stated the facts giving rise to the present writ petition are that the petitioner was pump Beldar employed on daily wages under the Executive Engineer, Garhwal Jal Sansthan, Kotdwar. The petitioner was originally appointed as daily wages chaukidar on 5.2.1989 and thereafter petitioner was transferred to the office of the

Executive Engineer, Jal Sansthan, Kotdwar. The petitioner has submitted that the he was transferred from Jal Nigam to Jal Sansthan on 2.11.1990 and the petitioner completed continuous service for more than 240 days in the calendar year and as such the petitioner was entitled to be regularised under the law. The petitioner has stated that his services were terminated vide order dated 8.3.1992 without any notice and the termination was wholly illegal.

Against the termination order the petitioner has filed a Writ Petition No. 15391 of 1993 before the Allahabad High Court. The said writ petition was decided vide order dated 31.3.1993. Hon'ble Mr. Justice A.P. Singh has passed the following order:

"In the circumstances, I direct the General Manager, Jal Sansthan to look into the matter personally by associating the Managing Director of the Jal Nigam to find out as to whether the petitioner and other persons whose names have been mentioned in the order dated 8.3./1992, were actually employed in the Jal Nigam and if he find that they were not employed and their services were not transferred to the Jal Sansthan, he will give opportunity individually to each of the person named in the list to enable them to prove their case that they were actually employed and only thereafter the General Manage shall pass the requisite order supported by reason. In case, however, it is found that the conclusions arrived at by the Executive

Engineer of the Jal Sansthan is wrong, he shall reinstate the petitioner in the Jal Sansthan.

I have heard Shri Sabhajeet yadac, who appeared for the Managing Director, Jal Nigam who is also directed to give every possible assistance to the General Manager of the Jal Sansthan to enable him to come to a proper conclusion in respect of employment of the persons whose names have been mentioned in the order dated 8.3.1992 passed by the Executive Engineer.

The General Manager is directed to complete exercise within a period of 2 months from the date of certified copy of this order is served on him.

With these directions the writ petition is finally disposed of.

The petitioner has stated that on 5.4.1993 he submitted a representation to the General Manager, Jal Sansthan, Dehradun along with the certified copy of the order dated 31.3.1993 but the authority concerned has not decided his representation till now.

During the course arguments the learned counsel for the petitioner has confined his relief only to the extent of disposal of his representation. The respondents are, therefore, directed to decide the representation of the petitioner by a reasoned order, within six weeks after the receipt of the certified copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

22.4.2004
*Dhyani